

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA §
§
VS. § **NO. A-11-CR-359 AA**
§
JOELE PORTER §

ORDER

Before the Court is the Defendant's Motion for Early Release from Probation (Doc. No. 40).

In the motion, the defendant requests the early termination of his sentence of three years of probation, based on his having fully satisfied his financial conditions, and having performed well for one year of probation. The defendant also indicates a desire to work in the oil patch, and states that the termination of his probation will assist with this. The probation office does not oppose the request, though the United States does.

The United States notes that the defendant received a very favorable disposition of this case as a result of a plea agreement, and could easily have faced a more serious sentence. While the government does not dispute that the defendant has fully complied with his conditions over the past year, it also contends that he should be obligated to serve the full extent of his probated sentence in order that the sentence reflect the seriousness of the offense, and be a just sentence. It contends that the original sentence included a significant measure of leniency, and no further leniency is required. The government further argues that being on probation will not impact the defendant's ability to work in the oil patch, given that he can transfer his supervision if that is required to accommodate his employment.

The Court concurs with the government. While the Court certainly commends the defendant for his performance on probation to date, it is not yet prepared to terminate that supervision. While

the Court would be open to a similar motion after two years of successful performance, it believes that it is too early to terminate the probation at this time.

ACCORDINGLY, IT IS ORDERED that the Defendant's Motion for Early Release from Probation (Doc. No. 40) is DENIED.

SIGNED this 9th day of January, 2013.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE